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11SL-AC40611 - LACEY WILSON V DECA FINANCIAL SERVICES LLC

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11/30/2011	Hearing Scheduled Scheduled For: 01/23/2012; 9:00 AM ; MARY BRUNTRAGER SCHROEDER; St Louis County Hearing Continued/Rescheduled Hearing Continued From: 12/05/2011; 9:00 AM Hearing
11/08/2011	Summons Issued-Associate Document ID: 11-ASOS-1401, for DECA FINANCIAL SERVICES LLC. Hearing Scheduled Associated Entries: 11/30/2011 - Hearing Continued/Rescheduled Scheduled For: 12/05/2011; 9:00 AM ; MARY BRUNTRAGER SCHROEDER; St Louis County Summ Req-Assc Pers Serv Request for Appointment of Special Process Server Filed and Appointed as Requested.
11/01/2011	Pet Filed in Associate Ct DIV 32M Judge Assigned

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Released 11/09/2011

EXHIBIT A



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: MARY BRUNTRAGER SCHROEDER	Case Number: 11SL-AC40611
Plaintiff/Petitioner: LACEY WILSON	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: JAMES WINDSOR EASON 1141 SOUTH 7TH STREET ST. LOUIS, MO 63104 (314) 304-9444
Defendant/Respondent: DECA FINANCIAL SERVICES LLC	Date, Time and Location of Court Appearance: 05-DEC-2011 09:00 AM DIVISION 32M ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Associate Division Cases)

The State of Missouri to: DECA FINANCIAL SERVICES LLC
Alias:
10500 KINCAID DR STE 150
REG AGT TODD WOLFE
FISHERS, IN 46037

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this Circuit Court, Associate Division on the date, time and location above, to answer the allegation in the petition filed by the above-named Plaintiff/Petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition. If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

11-07-11
Date

Clerk

Further information:
AMH

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (title), _____ (name).
 - ☐ other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn to before me this _____ (date).

- I am: (check one)
- ☐ the clerk of the court of which affiant is an officer.
 - ☐ the judge of the court of which affiant is an officer.
 - ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
 - ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Summons Fees, if applicable

Summons \$ _____
Non Est \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

See the following page for directions to clerk and to officer making return on service of summons.

IN THE CIRCUIT COURT
ST. LOUIS COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

LACEY WILSON

Plaintiff,

v.

DECA FINANCIAL SERVICES, LLC

Defendant.

Serve Defendant at:
Todd Wolfe, Registered Agent
10500 Kincaid Drive, Suite 150
Fishers, IN 46037

Case No.

Division

PETITION

COMES NOW, Plaintiff, Lacy Wilson, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. This is an action for statutory damages brought by an individual consumer for violations of the Telephone Consumer Protection Act of 1991("TCPA"), 47 USC 227 *et. seq.*

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d).

4. This Court has jurisdiction of the TCPA claim under 47 USC 227 (3)(b).

PARTIES

5. Plaintiff is a natural person currently residing in St. Louis, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA and TCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

6. Defendant is an Indiana corporation with its principal place of business at P.O. Box 910 Fishers, IN 46038. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA, 15 USC 1692a (6).

FACTS

8. Plaintiff has received several phone calls from Defendant throughout 2011.

9. On several occasions, Plaintiff received messages similar the following transcribed message: "Hi, this message is for Lacey Williams, Lacey my name, or Wilson I'm sorry. Lacey my name is Crystal I'm calling with DECA, I need a return call. I've left several messages for you. This is not a sales call. It is important you return my call at (877)360-3446, extension 2007."

10. That in 2011, Plaintiff received several phone calls from an automatic telephone dialing system, as defined by 47 USC 227(a)(1). Those phone numbers are registered to the Defendant. Those phone calls were made to Plaintiff's cellular phone and she was charged for those phone calls.

11. Plaintiff never provided permission or otherwise authorized Defendant to call her cellular phone.

VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

12. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

13. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 *et. seq.*, including, but not limited to, the following:

a. Failing to send the Plaintiff a validation notice within five days of the initial communication. 15 USC § 1692g;

- b. Using unfair or unconscionable means to collect or attempt to collect the alleged debt. 15 USC § 1692 (f);
- c. Attempting to collect an amount not authorized by the agreement or permitted by law. 15 USC § 1692f (1);
- d. Sending a communication that gives the false impression of the amount of the alleged debt. 15 USC § 1692e(2);
- e. Causing charges to be incurred by the Plaintiff by contacting her on her cellular phone. 15 USC § 1692f(5);
- f. Placing phone calls to the Plaintiff without disclosing their identity. 15 USC § 1692d(6)
- g. Causing a telephone to ring repeatedly with the intent to annoy, abuse, or harass any person at the called number. 15 USC § 1692 (d) (5).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

COUNT II: VIOLATION OF THE TCPA

- 14. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.
- 15. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 *et. seq.*, including, but not limited to, the following:

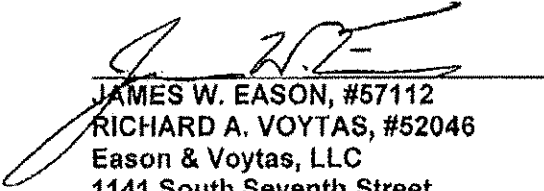
a. By placing non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of the Plaintiff, causing Plaintiff to be charged for incoming calls. 47 USC 227(b) (1) (A) (iii).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against

Defendant for:

- F. Declaratory judgment that Defendant's conduct violated the TCPA;
- G. Actual damages;
- H. Statutory damages pursuant to 47 USC (b)(3); and
- I. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC



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